

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IRENE SHIPMAN,

Plaintiff,

- against -

**ANDREW SAUL,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

19 CV 05636 (KMK)(LMS)

ORDER

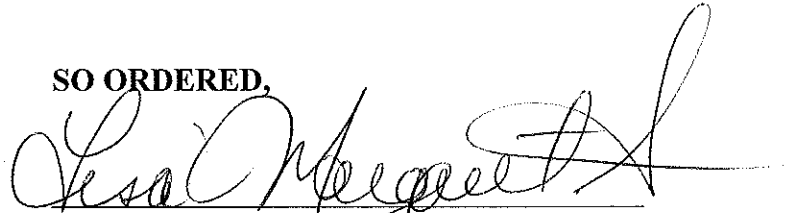
THE HONORABLE LISA MARGARET SMITH, U.S.M.J.¹

On November 6, 2019, Defendant filed a letter seeking permission to move to dismiss the Complaint in this case as untimely. ECF No. 17. In response, on November 19, 2019, Plaintiff informed the Court that it had requested an extension of time from the Social Security Administration Appeals Council to file this action and was awaiting the Council's decision. ECF No. 18. Plaintiff contended that a motion to dismiss the complaint "should await the Appeals Council's response." *Id.* Accordingly, this Court denied Defendant's request without prejudice to renewal following a decision by the Appeals Council. ECF No. 19. A formal request to stay this proceeding pending a decision by the Appeals Council was never filed, and a stay was never issued. Despite the lack of a stay, neither party has made a filing since the Court's December 26, 2019, order. As a result, Plaintiff is directed to file a letter updating the Court on the status of this case **by no later than 5:00 p.m. on Tuesday, August 18, 2020.**

¹ The Honorable Kenneth M. Karas referred this matter to the undersigned on November 6, 2019, and communicated separately that the reference would include the subsequently filed letter motion. ECF No. 16.

Dated: August 3, 2020
White Plains, New York

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York